

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JERMAINE WINN,	)	
	)	
Plaintiff,	)	Civil Action No. 16-284
	)	
v.	)	Judge Cathy Bissoon
	)	Magistrate Judge Cynthia Reed Eddy
CORRECT CARE SOLUTIONS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On July 25, 2017, the Magistrate Judge issued a Report (Doc. 81) recommending that Defendants' Motions to Dismiss (Docs. 50, 54 & 73) be granted; that Plaintiffs' claims be dismissed, as described in the Report; and that Plaintiff be granted leave to file a third amended complaint, pursuant to the Report's specific instructions. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, it hereby is ORDERED that: Defendants SCI-Pine Grove and Supt. Bush's Motion to Dismiss (**Doc. 50**) is **GRANTED** with prejudice as to the § 1983 claim, with prejudice as to any intended claim for negligence against SCI-Pine Grove and Supt. Bush in his official capacity, and the Court declines to exercise supplemental jurisdiction over any intended negligence claim against Supt. Bush in his individual capacity; Defendant Dr. Chun's Motion to Dismiss (**Doc. 73**) is **GRANTED**, with prejudice; Defendant Correct Care Solutions's Motion to

Dismiss (**Doc. 54**) is **GRANTED**, without prejudice to Plaintiff's filing a third amended complaint to state a claim under § 1983 for violation of his Eighth Amendment rights; if Plaintiff wishes to file a third amended complaint, as described in the Magistrate Judge's Report, his deadline for doing so is **September 25, 2017**; should Plaintiff file an amended pleading, he must do so consistent with the detailed instructions in the Report; if Plaintiff does not timely file an amended pleading, as described, this lawsuit will proceed only on those claims against Dr. McQuilan, as stated in the Second Amended Complaint; and the Magistrate Judge's Report and Recommendation (Doc. 81) is adopted as the Opinion of the District Court.

Finally, during the objections-period, Plaintiff filed a Motion (Doc. 84) seeking to extend the period of time by which he must file a third amended complaint, from 30 days (as recommended in the Magistrate Judge's Report), to 60 days. *Id.* In support of this request, Plaintiff asserts that he expects, at a time unspecified, to have a parole hearing, after which he may be "conditionally released" from confinement.

Plaintiff's Motion for extension (**Doc. 84**) is **DENIED**. The Magistrate Judge recommended, and the Court has adopted, the provision of a thirty-day period for Plaintiff to make specific, limited amendments to his pleadings. That is ample time for Plaintiff to make the putative amendments; this action has been pending for nearly eighteen months, and it has not yet surpassed the Rule 12(b) stage; and whether Plaintiff is in custody, or is released, offers no reasoned basis for extending the deadline. Also, Plaintiff's conditional request that his address-of-record be updated by the Court, should he be paroled at some unspecified time in the future, will be given no effect. *See* Doc. 84 at ¶ 4. The Court has no way of knowing if, and when, Plaintiff's address may change. It is incumbent on *Plaintiff* to keep his address-of-record current, and if it changes, he must file with the Clerk a notice of change of address.

IT IS SO ORDERED.

August 25, 2017

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

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All Counsel of Record